



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

**NOV 25 2014**

Sheryl V. Wooley

Cape Coral, FL 33914

RE: MUR 6699  
Friends of Trey Radel and Barbara  
Bisnette in her official capacity as  
treasurer

Dear Ms. Wooley:

This is in reference to the complaint you filed with the Federal Election Commission on November 26, 2012, concerning allegations that Friends of Trey Radel and Barbara Bisnette in her official capacity as treasurer violated certain provisions of the Federal Election Campaign Act of 1971, as amended. After considering the circumstances of this matter, the Commission determined to dismiss this matter and closed the file on November 20, 2014. The Factual and Legal Analysis, which more fully explains the Commission's decision, is enclosed for your information.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66132 (Dec. 14, 2009).

The Federal Election Campaign Act of 1971, as amended, allows a complainant to seek judicial review of the Commission's dismissal of this action. See 52 U.S.C. § 30109(a)(8) (formerly 2 U.S.C. § 437g(a)(8)).

If you have any questions, please contact Peter Reynolds, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

*William A. Powers/ATS*

William A. Powers  
Assistant General Counsel

1 **FEDERAL ELECTION COMMISSION**

2  
3 **FACTUAL AND LEGAL ANALYSIS**

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5 RESPONDENT: Friends of Trey Radel, Inc., and Barbara Bisnette MUR: 6699  
6 in her official capacity as treasurer  
7

8 **I. INTRODUCTION**

9 This matter was generated by a complaint, *see* 52 U.S.C. § 30105(g)(a)(1) (formerly 2  
10 U.S.C. § 437(g)(a)(1)), alleging that Friends of Trey Radel, Inc., and Barbara Bisnette in her  
11 official capacity as treasurer ("the Committee") violated the Federal Election Campaign Act of  
12 1971, as amended, (the "Act") by using contributor information obtained from Commission  
13 disclosure reports to solicit contributions in violation of 52 U.S.C. § 30111(a)(4) (formerly 2  
14 U.S.C. § 438(a)(4)) and 11 C.F.R. § 104.15. Because the Commission concludes that further  
15 enforcement action would not be an efficient use of the Commission's resources, it exercises its  
16 prosecutorial discretion to dismiss this matter. *See Heckler v. Chaney*, 470 U.S. 821 (1985).

17 **II. FACTUAL AND LEGAL ANALYSIS**

18 **A. Facts**

19 Trey Radel and Chauncey Goss were opponents in the 2012 Republican primary in  
20 Florida's 19th Congressional District.<sup>1</sup> During the primary, the Goss campaign filed two  
21 "salted" disclosure reports listing a contribution attributed to the pseudonym "Shirley A. Wood"  
22 with the home address of its campaign manager, Sheryl Wooley.<sup>2</sup> Compl. at 1; *see* 2011 Year-  
23 End Report at 27, 2012 July Quarterly at 15. In September 2012, during the general election,  
24 Wooley received a fundraiser invitation from the Committee at her home address; the invitation

<sup>1</sup> Radel won the primary election on August 14, 2012, and went on to win the general election.

<sup>2</sup> Section 30111(a)(4) (formerly 2 U.S.C. § 438(a)(4)) of the Act allows political committees to submit ten pseudonyms on each report filed in order to protect against the illegal use of names and addresses of contributors, provided such committee attaches a list of such pseudonyms to the appropriate report. *See also* 11 C.F.R. § 104.3(e). Pseudonyms used pursuant to 52 U.S.C. 30111(a)(4) (formerly 2 U.S.C. § 438(a)(4)) are commonly called "salted" names.

1 was addressed to the salted name. *Id.* The Goss campaign then filed this Complaint alleging that  
2 the Committee violated the “sale and use” provisions by using contributor information contained  
3 in FEC reports to solicit funds. Compl. at 1; *see* 52 U.S.C. § 30111(a)(4) (formerly 2 U.S.C.  
4 § 438(a)(4)) and 11 C.F.R. § 104.15.

5 The Committee does not dispute that it solicited contributions using contributor  
6 information that was derived from FEC reports, but represents that “[a]t no time did the  
7 Committee sanction, suggest or knowingly use any information obtained from FEC reports for  
8 the purpose of soliciting contributions to the Committee.” Resp. at 1. The Committee asserts  
9 that upon notification of the complaint, it conducted an internal investigation that revealed that a  
10 campaign volunteer, David Stokes, was the source of the salted name. Stokes reportedly gave  
11 the Committee five donor lists, which it added to a consolidated fundraising list that was used for  
12 a mass mailing of the invitation received by Wooley. *See* Resp. Pusateri Aff. Ex. 2, ¶¶ 12, 15-  
13 16. Specifically, on September 8, 2012, Stokes sent Trey Radel an email attaching three donor  
14 lists purportedly containing the names of donors in Lee County (which fell in the 19th  
15 Congressional District) who had previously donated \$1,000 or more to Republican candidates.  
16 *Id.*; *see also* Resp., Ex. 1. Of the three Lee County donor lists, the Committee provided only one  
17 with its response. This list included the salted name and 14 others. Resp., Ex. 2. In addition to  
18 the Lee County donor lists, the Committee states that Stokes forwarded two more donor lists to  
19 the Committee: one including “high dollar donors in Collier County” (which also fell within the  
20 19th Congressional District) and one including doctors. *See* Resp. Pusateri Aff. Ex. 2, ¶ 12.  
21 During the Committee’s internal investigation, Stokes reportedly admitted that “he had taken  
22 some of the names [on the lists] from the published donor lists on the FEC website,” but asserted  
23 that he did not know that this practice was prohibited. *Id.* at ¶ 20.

1 The Committee asserts that it had no "reason to believe that the lists provided by Mr.  
2 Stokes may have been compiled improperly." *Id.* at ¶ 17. The Committee explains that no one  
3 questioned the lists because Stokes was "an active volunteer in Republican politics in the area  
4 and a recent volunteer" for another primary campaign. *Id.* at ¶¶ 9; *see also id.* ¶ 17-18. It notes,  
5 moreover, that upon receipt of the Complaint, the Committee conducted an internal  
6 investigation, *id.* at ¶¶ 17-18, and that once the Committee determined Stokes was the source of  
7 the salted name, it informed him that his actions were improper.<sup>3</sup> The Committee states that it  
8 has retained a professional expert to assist in FEC reporting and fundraising, intends to send at  
9 least one representative of the Committee to an FEC seminar, and is working with counsel to  
10 develop mandatory training for staff and volunteers of future campaigns. *Id.* at ¶¶ 26-27.

11 **B. Analysis**

12 Political committees are required to file reports with the Commission identifying the  
13 names and mailing addresses of contributors. 52 U.S.C. § 30104(b)(2)(A) (formerly 2 U.S.C.  
14 § 434(b)(2)(A) and (b)(3)(A)); 11 C.F.R. § 104.8(a). The Act provides that the Commission  
15 shall make reports and statements filed with it available to the public for inspection and copying  
16 within 48 hours after receipt. 52 U.S.C. § 30111(a)(4) (formerly 2 U.S.C. § 438(a)(4)). Any  
17 information copied from such reports or statements, however, "may not be sold or used by any  
18 person for the purpose of soliciting contributions or for commercial purposes," other than using  
19 the name and address of a political committee to solicit contributions from that political  
20 committee. *Id.*; *see also* 11 C.F.R. § 104.15(a). "Soliciting contributions" includes soliciting  
21 any type of contribution or donation, such as political or charitable contributions. 11 C.F.R.  
22 § 104.15(b).

<sup>3</sup> The Committee requested that Stokes sign an affidavit acknowledging his actions. *Id.* at ¶¶ 20-24.  
Although Stokes was reportedly initially cooperative, he retained an attorney and ceased his cooperation. *Id.* at ¶ 23.

1 While the Committee may have violated 52 U.S.C. § 30111(a)(4) (formerly 2 U.S.C.  
2 § 438(a)(4)) and 11 C.F.R. § 104.15 by using contributor information obtained from FEC  
3 disclosure reports filed by the Goss campaign for the purpose of soliciting contributions, the  
4 Commission concludes that further enforcement action would not be an efficient use of the  
5 Commission's resources. The Committee does not dispute that it solicited contributions using  
6 contributor information that was derived from FEC reports. The available information,  
7 however, shows that the actions of the Committee's volunteer resulted in an inadvertent use of  
8 FEC published data. Furthermore, the Committee has conducted an internal investigation, and  
9 upon discovering Mr. Stokes's actions, taken corrective actions and implemented measures  
10 intended to safeguard against similar future uses of FEC data. *Id.* at 3. In light of these facts, the  
11 Commission exercises its discretion and dismisses the matter.